

**RESTORATION IN MISSISSIPPI TRUSTEE IMPLEMENTATION GROUP**  
*of the*  
**DEEPWATER HORIZON TRUSTEE COUNCIL**

In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico  
on April 20, 2010,

Civil Action Nos. 10-4536; 10-04182; 10-03059; 13-4677; 13-158; 13-00123 (ED. La.)

MDL No. 2179

**Resolution # MS-2022-002**

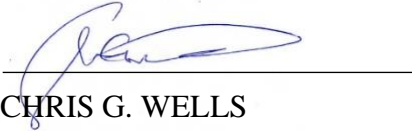
**Resolution of the Mississippi Trustee Implementation Group for a Project  
Change to the Graveline Bay Land Acquisition and Management Project**

1. In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), the *Deepwater Horizon* Oil Spill: *Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement* (PDARP/PEIS), and the Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the *Deepwater Horizon* Oil Spill (TC SOPs), the undersigned representatives of the Mississippi Trustee Implementation Group (MS TIG) hereby approve the project change as described below to continue the restoration of natural resources and services injured or lost as a result of the *Deepwater Horizon* oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico.
2. The project change described in this Resolution supports restoration planning to carry out the restoration goals identified in the Final PDARP/PEIS and the Record of Decision that provides and explains the Trustees’ selection of the Preferred Alternative (Alternative A) for the Programmatic Restoration Plan in the Final PDARP/PEIS. The changes are also consistent with the Consent Decree resolving the civil actions referenced above.
3. The Graveline Bay Land Acquisition Project (DIVER Project ID # 112) was selected as a preferred alternative in the MS TIG 2016-2017 Restoration Plan/Environmental Assessment (RP/EA), approved July, 2017, and the Federal Trustees determined that the RP/EA and associated preferred alternatives will not significantly impact the quality of the human environment ([Finding of No Significant Impact](#)). The project funds the acquisition, management, and conservation of parcels to be acquired for the Graveline Bay Coastal Preserve and management and conservation of parcels already within the Graveline Bay Coastal Preserve.
4. The project change analysis memo, *Evaluation of Changes to the Graveline Bay Land Acquisition and Management Project* attached to this Resolution, evaluates the addition of two parcels to the project acquisition area. The MS TIG performed a project change

analysis in accordance with Section 9.4.9 of the SOPs. The project change analysis concludes that:

- a. The addition of the two parcels to the project is consistent with the environmental review in the RP/EA, and there are no changes that are relevant to environmental concerns.
  - b. There are no significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the RP/EA.
  - c. The addition of these two parcels to the project is consistent with the OPA evaluation in the RP/EA. Further, no additional project funding is needed.
  - d. No additional environmental compliance is needed. The MS TIG will utilize an Environmental Evaluation Checklist prior to implementation of management activities on any parcel to ensure consistency with the analyses performed in the RP/EA.
  - e. The project change is not substantial and does not warrant an additional public comment period; the public will be notified of the changes via the Trustees' website.
5. There is no change to the authorized budget of \$11,500,000, approved by the MS TIG in Resolution MS-2017-005.
6. It is resolved that after a thorough review of the attached project change analysis memo "*Evaluation of Changes to the Graveline Bay Land Acquisition and Management Project*," the duly authorized officials for the MS TIG approve the project change. This Resolution may be authorized in counterparts.

**RESTORATION IN MISSISSIPPI TRUSTEE IMPLEMENTATION GROUP**

A handwritten signature in blue ink, appearing to read "Chris G. Wells", is written over a horizontal line.

**CHRIS G. WELLS**  
Trustee Council Designee, Mississippi Department of Environmental Quality

A handwritten signature in black ink, appearing to read "Christopher D. Doley", is written over a horizontal line.

**CHRISTOPHER D. DOLEY**  
Principal Representative, National Oceanic and Atmospheric Administration

A handwritten signature in blue ink, appearing to read "Mary Josie Blanchard", is written over a horizontal line.

**MARY JOSIE BLANCHARD**  
Principal Representative, Department of the Interior

A handwritten signature in black ink, appearing to read "Homer L. Wilkes", is written over a horizontal line.

**HOMER L. WILKES**  
Primary Representative, U.S. Department of Agriculture

A handwritten signature in blue ink, appearing to read "Mary Kay Lynch", is written over a horizontal line.

**MARY KAY LYNCH**  
Alternate to Principal Representative, U.S. Environmental Protection Agency

DATE OF LAST SIGNATURE: March 16, 2022

## Evaluation of Changes to the Graveline Bay Land Acquisition and Management Project.

### I. Introduction

Section 9.4.9 of the *Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill* (TC SOPs) states that if changes are made to any selected project, those changes may require a re-evaluation of determinations made in existing environmental compliance documents. Section 9.5.2 of the TC SOPs provides that the Trustee Implementation Group (TIG) will conduct a project review to determine whether:

- (1) Any change to the project is consistent with the environmental review in the respective restoration plan/NEPA analysis, or whether there are substantial changes that are relevant to environmental concerns.
- (2) There are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis [40 CFR § 1502.9 (c)].
- (3) Project changes affect their selection under OPA.

### II. Project Background

The Graveline Bay Land Acquisition and Management Project (Project) was a preferred alternative identified and selected in the Mississippi Trustee Implementation Group 2016-2017 Restoration Plan/Environmental Assessment (RP/EA) approved by the Mississippi TIG in July, 2017 (Diver Project ID 112). The MS TIG determined that the RP/EA meets the goals of the Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement, and the federal trustees determined that the RP/EA and associated preferred alternatives will not significantly impact the quality of the human environment ([Finding of No Significant Impact](#), or FONSI). Additionally, the MS TIG outlined a process in Sections 3.1.2 and 3.7.2 of the RP/EA that ensures that site-specific adverse environmental impacts will continue to be avoided or minimized in the future as restoration measures and management activities and conservation practices are planned for specific parcels. Once these measures and activities are developed, an Environmental Evaluation Worksheet will be completed to document whether impacts are at or below maximum adverse impacts described in the RP/EA. If, upon completion of the Environmental Evaluation Worksheet, impacts are expected to exceed those described in the RP/EA and summarized the FONSI, the MS TIG will evaluate a plan of action to comply with NEPA and all other applicable environmental compliance regulations.

The Mississippi Department of Environmental Quality (MDEQ) and the Department of the Interior (DOI) are Implementing Trustees for this project and have determined that a change to the project is necessary in order to acquire two additional parcels that are now available (Parcels 82438110.050 and 82433014.000). Accordingly, MDEQ prepared this analysis to evaluate those changes in accordance with the above factors.

## Project Scope as Previously Analyzed

The Project's activities as described in Section 3.3 of the RP/EA are summarized as follows:

The Project includes the acquisition and preservation of up to 1,410 acres of habitat adjacent to the Graveline Bay Coastal Preserve and habitat management of both currently owned Coastal Preserves lands and those that would be acquired through this project. The original project acquisition and management area was based upon current Coastal Preserves boundaries and proposed Coastal Preserves acquisition targets containing contiguous parcels ideally under common ownership. Larger tracts of land under common ownership and within the targeted Coastal Preserves acquisition were identified. All acquisitions are to be from willing sellers. Under the Project, habitat to be acquired would be in the vicinity of Graveline Bay and includes estuarine marsh, shoreline (beach), and other coastal riparian habitats. Acquisition and management of parcels would provide benefit to wading birds and other species. Beach habitat enhancements would benefit nesting shorebirds. The coastal estuarine marsh system of this area consists largely of black needle rush while narrow bands of smooth cordgrass occur along the creeks and bayous. Additional habitat includes beach magnolia forest, pine savannah, coastal plain small stream forest, and open water, tidal creeks, and bayous.

Management activities include access restriction, invasive species management, prescribed fire, debris removal, and road removal/repair and culvert replacement as discussed in Section 3.3 of the RP/EA.

The estimated cost for the project is \$11.5 million. No additional funds for the project are needed to incorporate this proposed project change.

## III. Description of Project Change

The proposed change would add two parcels (subject parcels) which have recently become available for sale, to the targeted acquisition area. The subject parcels were under different ownership at the time the Project was developed, but are now owned by the same entity who is currently working with MDEQ to sell the adjacent Whitehead parcels under the project. The subject parcels are outside of but immediately adjacent to the original Graveline Bay project area, as shown in the figure below. The habitat, mostly pine savannah, is the same habitat type of the immediate parcels that are currently in the acquisition process. The subject parcels would be managed in the same manner as the adjacent parcels and acquisition and management would be consistent with the parameters outlined in the RP/EA. Further, their acquisition would provide critical and additional access to the parcels currently being targeted for purchase and the contiguity would enhance the benefits provided by the overall management of the Coastal Preserves program and the Graveline Bay Coastal Preserve. The total acreage to be acquired under this project would not exceed 1,410 acres as noted in the RP/EA.

## IV. Project Review

The MS TIG evaluated the following factors in accordance with the SOPs:

1. Whether any change to the project is consistent with the environmental review in the respective restoration plan/NEPA analysis, or whether there are substantial changes that are relevant to environmental concerns.

*All changes to the project are consistent with the environmental review in the RP/EA and there are no changes that are relevant to environmental concerns. The additional two parcels are the same habitat type as other parcels to be acquired and would be managed in the same manner and consistent with the RP/EA. Further, the parcels are immediately adjacent to other parcels within the project area that are currently in the acquisition process. If acquired, these parcels would be subject to review under the same Environmental Evaluating Worksheet as any other parcels acquired under the Project.*

2. Whether there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis [40 CFR § 1502.9 (c)].

*There will not be significant new circumstances or information relevant to environmental concerns not previously addressed in the scope to those evaluated in the RP/EA.*

3. Whether project changes affect their selection under OPA, such as whether additional restoration planning and/or environmental review, including opportunity for public comment, may be necessary.

*The changes are consistent with the OPA evaluation in the RP/EA (see Section 3.0). No additional restoration planning or environmental review is necessary since the changes would not affect the project selection under OPA; the project changes will increase the restoration benefits by adding additional properties to the Graveline Bay Coastal Preserve. The habitat to be acquired is consistent with those identified in the RP/EA, and the management of the parcels would be consistent with those evaluated in the RP/EA. Further, no additional funding is needed to acquire these parcels.*

4. Whether any additional environmental compliance is necessary.

*Protected species consultations were completed for the original project as references in Section 3.3.1.3.2 of the RP/EA. Additionally, an Environmental Evaluation Checklist will be completed prior to the implementation of any management activities on any parcels to ensure consistency with the analyses performed in the RP/EA.*

## V. Conclusions

The project change presented above has been evaluated in accordance with Trustee Council SOPs. The project change does not impact the overall project objectives or environmental consequences. The changes do not affect the selection of this project under the Oil Pollution Act and the project is consistent with the environmental review conducted for the RP/EA. Therefore, no further analyses under the Oil Pollution Act or the National Environmental Policy Act are necessary. In addition, the



original public comment period conducted for the RP/EA solicited public input on the project; the project was non-controversial. The MS TIG has determined that the project change is not substantial enough to warrant an additional public comment period; the public will be notified of the project change via the Trustees' website.

